

# **EXHIBIT A**

IN THE CIRCUIT COURT OF SHELBY COUNTY, TENNESSEE  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

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PATRICIA WILLIAMS,

Plaintiff,

vs.

FREDRICK HOOD and  
CLINE TOURS, INC.,

Defendants.

Cause No.:

Div.:

Jury Demanded

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**COMPLAINT**

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**COMES NOW** the Plaintiff, Patricia Williams, and would show unto the Court as follows:

**I.**

That your Plaintiff, Patricia Williams, is a resident citizen of Shelby County, Tennessee; that your Defendant, Fredrick Hood, is a resident citizen of Pontotoc County, Mississippi; that your Defendant, Cline Tours, Inc., is a foreign corporation licensed and authorized to conduct business in the State of Tennessee.

**II.**

That on or about September 29, 2021, Plaintiff, Patricia Williams, while operating a 2009 Ford Econoline E450 bearing license plate 34H1504, was parked on Front Street near the Beale Street intersection in Shelby County, Tennessee. That Defendant, Fredrick Hood, was operating a 2019 MCI J4500 bearing license plate A476705, owned by and registered in the name of Cline Tours, Inc., with their permission and consent. Accordingly, Defendant, Cline Tours, Inc., is vicariously liable for the negligent actions of Defendant, Fredrick Hood. Said Defendant, Fredrick

Hood, was travelling westbound on Beale Street with the intention of making a right turn onto Front Street, when without warning, Defendant did negligently and carelessly impact the back of Plaintiff's vehicle. That impact was so great it threw your Plaintiff, Patricia Williams, about in the vehicle, thereby causing her to sustain serious injury.

### III.

That your Defendant, Fredrick Hood, was at all relevant times an agent or employee of the Defendant, Cline Tours, Inc., was acting in the course and scope of his agency or employment and for the benefit of Defendant, Cline Tours, Inc., and was operating a vehicle owned by Defendant, Cline Tours, Inc. Therefore, Defendant, Cline Tours, Inc., is liable to Plaintiff for the negligent acts committed by Defendant, Fredrick Hood, pursuant to the doctrine of *respondeat superior* and for any negligence of its own.

### IV.

Plaintiff charges and alleges that the Defendant, Fredrick Hood, was guilty of the following acts of common law negligence, each and every one of which was a direct and proximate cause of the Plaintiffs resulting damages, to wit:

- a. In failing to devote full time and attention to the operation of his vehicle;
- b. In failing to maintain a proper outlook;
- c. In driving his vehicle too fast under the conditions prevailing;
- d. In failing to use that degree of care and caution as was required under the existing circumstances and conditions for the safety of themselves and others properly upon the aforementioned street;
- e. In failing to control the movement, momentum for direction of travel of his vehicle, or to turn or guide the same, as it was his duty to do so, as to avoid causing a collision to occur, then and thereby injuring Plaintiff.

V.

Plaintiff charges and alleges that the Defendant, Cline Tours, Inc., was guilty of the following acts of common law negligence, each and every one of which was a direct and proximate cause of the Plaintiffs', resulting damages, to wit:

- a. Negligent entrustment of an oversized motor vehicle;
- b. In failing to properly maintain the vehicle driven by Defendant, Fredrick Hood;
- c. In failing to properly instruct Defendant, Fredrick Hood, on the safe driving, loading, or maintenance of said vehicle;
- d. Any other negligent acts and/or omissions which may be shown during the course of these proceedings;

VI.

Plaintiff further charges and alleges that at the time of the accident in question, the following Ordinances of the City of Memphis were in full force and effect and were violated by Defendant, Fredrick Hood;

Sec. 11-16-2 Duty to devote full time and attention to operating vehicle.

It is unlawful for a driver of a vehicle to fail to devote full time and attention to operating such vehicle when such failure, under the then existing circumstances, endangers life, limb or property.

Sec. 11-16-3 Duty to drive at safe speed, maintain lookout and keep vehicle under control.

Notwithstanding any speed limit or zone in effect at the time, or right-of-way rules that may be applicable, every driver shall:

- a. Operate his or her vehicle at a safe speed;
- b. Maintain a safe lookout;
- c. Use due care to keep his or her vehicle under control.

Sec. 11-16-44 Reckless driving.

Any person who drives any vehicle in a willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

Sec. 11-16-28 Turning movements generally.

- a. No person shall turn a vehicle at an intersection, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety.
- b. The driver of any truck, bus or any large vehicle which cannot comply with the foregoing provisions due to the size of the vehicle may use such additional portions of the street or roadway as may be necessary for a right turn; provided, however, that, the driver of such vehicle, before making such turn, shall first determine that this movement may be made in safety.

**VII.**

Plaintiff further charges and alleges that at the time of the accident in question, the following Statutes of the State of Tennessee were in full force and effect and were violated by Defendant, Fredrick Hood;

55-10-205 Reckless driving.

Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property commits reckless driving.

55-8-136 Drivers to exercise due care.

- b. Notwithstanding any speed limit or zone in effect at the time, or right-of-way rules that may be applicable, every driver of a vehicle shall exercise due care by operating the vehicle at a safe speed, by maintaining a safe lookout, by keeping the vehicle under proper control and by devoting full time and attention to operating the vehicle, under the existing circumstances as necessary in order to be able to see and to avoid endangering life, limb or property and to see and avoid colliding with any other vehicle or person, or any road sign, guard rail or any fixed object either legally using or legally parked or legally placed, upon any roadway, within or beside the roadway right-of-way including, but not limited to, any adjacent sidewalk, bicycle lane, shoulder or berm.

55-8-142 Turning movements

- a. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in § 55-8-140, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway, unless and until this movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner provided in §§ 55-8-143 and 55-8-144 in the event any other traffic may be affected by this movement.

**VIII.**

As a direct and proximate result of the negligence of the Defendants, and resulting collision, the Plaintiff, Patricia Williams, suffered serious, painful and permanent injuries, and mental anguish; Plaintiff incurred doctor, medical, hospital and other bills in an effort to cure said injuries and will in the future incur such expenses; Plaintiffs capacity for pleasure, business, work and the enjoyment of life have been impaired.

**IX.**

**WHEREFORE, PREMISES CONSIDERED, PLAINTIFF RESPECTFULLY PRAYS:**

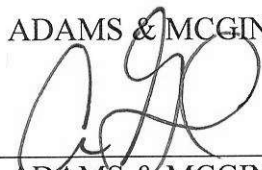
1. That proper process be issued against the Defendants requiring them to plead and answer.
2. That Plaintiff, be awarded compensatory damages in the amount of THREE HUNDRED FIFTY THOUSAND and 00/100 (\$350,000.00) DOLLARS.
3. That the Plaintiff be granted whatever other relief, general or specific, this Court deems equitable and just.
4. Plaintiff demands a Jury to try these issues when joined.

Respectfully submitted this 26 day of August, 2022.

By: 

Allen Gressett, Esq. (#29187)  
Schwed, Adams & McGinley, P.A.  
88 Union Center  
88 Union Avenue  
11th Floor, Suite 1100  
Memphis, Tennessee 38103  
Telephone: (901) 313-3411  
Facsimile: (901) 577-1400

SCHWED, ADAMS & MCGINLEY, P.A. is surety for the court costs of this cause.

  
\_\_\_\_\_  
SCHWED, ADAMS & MCGINLEY, P.A.

(CIRCUIT/CHANCERY) COURT OF TENNESSEE  
140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHISELECTRONICALLY FILED  
2022 Aug 26 4:43 PM  
CLERK OF COURT - CIRCUIT

## SUMMONS IN CIVIL ACTION

☒ Lawsuit  
☐ Divorce

Docket No. \_\_\_\_\_

Ad Damnum \$ \_\_\_\_\_

PATRICIA WILLIAMS

FREDRICK HOOD, and  
CLINE TOURS, INC.

VS

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

CLINE TOURS, INC.  
277 COMMERCE PARK DR  
RIDGELAND, MS 39157-2233

Method of Service:

- ☐
- Certified Mail
- 
- ☐
- Shelby County Sheriff
- 
- ☐
- Commissioner of Insurance (\$)
- 
- ☐
- Secretary of State (\$)
- 
- ☐
- Other TN County Sheriff (\$)
- 
- ☒
- Private Process Server
- 
- ☐
- Other

(\$ Attach Required Fees

You are hereby summoned and required to defend a civil action by filing your answer with the Clerk of the Court and

serving a copy of your answer to the Complaint on ALLEN GRESSETT, ESQ.

Plaintiff's

attorney, whose address is Schwed, Adams &amp; McGinley, P.A. 88 Union Ave 11th Floor, Memphis, TN 38103

telephone (901) 313-3411

within THIRTY (30) DAYS after this summons has been served upon you, not including the day of service. If you fail to do so, a judgment by default may be taken against you for the relief demanded in the Complaint.

TEMIKA D. GIPSON, Clerk / W. AARON HALL, Clerk and Master

TESTED AND ISSUED \_\_\_\_\_ By \_\_\_\_\_, D.C.

TO THE DEFENDANT:

NOTICE; Pursuant to Chapter 919 of the Public Acts of 1980, you are hereby given the following notice:

Tennessee law provides a ten thousand dollar (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed. These include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

FOR AMERICANS WITH DISABILITIES ACT (ADA) ASSISTANCE ONLY, CALL (901) 222-2341

I, TEMIKA D. GIPSON / W. AARON HALL, Clerk of the Court, Shelby County, Tennessee, certify this to be a true and accurate copy as filed this

\_\_\_\_\_ 20\_\_

TEMIKA D. GIPSON, Clerk / W. AARON HALL, Clerk and Master By: \_\_\_\_\_, D.C.

RETURN OF SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I HAVE SERVED THE WITHIN SUMMONS:

By delivering on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ M. a copy of the summons

and a copy of the Complaint to the following Defendant \_\_\_\_\_

at \_\_\_\_\_

\_\_\_\_\_  
Signature of person accepting service

By: \_\_\_\_\_  
Sheriff or other authorized person to serve process

RETURN OF NON-SERVICE OF SUMMONS

I HEREBY CERTIFY THAT I HAVE NOT SERVED THE WITHIN SUMMONS:

To the named Defendant \_\_\_\_\_

because \_\_\_\_\_ is (are) not to be found in this County after diligent search and inquiry for the following

reason(s): \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

By: \_\_\_\_\_  
Sheriff or other authorized person to serve process



**The Shelby County, Tennessee Circuit Court**

**Case Style:** PATRICIA WILLIAMS VS FREDRICK HOOD

**Case Number:** CT-3540-22

**Type:** SUMMONS ISSD TO MISC

David Smith, DC

Electronically signed on 08/29/2022 09:41:43 AM

**SUMMONS IN CIVIL ACTION**

☒ Lawsuit  
☐ Divorce

Docket No. \_\_\_\_\_

Ad Damnum \$ \_\_\_\_\_

PATRICIA WILLIAMS

VS

FREDRICK HOOD and  
CLINE TOURS, INC.,

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

FREDRICK HOOD  
368 NORTHRIDGE DR  
PONTOTOC, MS 38863-1540  
PONTOTOC COUNTY

Method of Service:

- ☐ Certified Mail  
☐ Shelby County Sheriff  
☐ Commissioner of Insurance (\$)  
☐ Secretary of State (\$)  
☐ Other TN County Sheriff (\$)  
☒ Private Process Server  
☐ Other

(\$ Attach Required Fees

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Plaintiff's

attorney, whose address is Schwed, Adams & McGinley, P.A. 88 Union Ave 11th Floor, Memphis, TN 38103

telephone (901) 313-3411

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**The Shelby County, Tennessee Circuit Court**

**Case Style:** PATRICIA WILLIAMS VS FREDRICK HOOD

**Case Number:** CT-3540-22

**Type:** SUMMONS ISSD TO MISC

A handwritten signature in black ink, appearing to read "DS", is written over a light gray rectangular background.

David Smith, DC

Electronically signed on 08/29/2022 09:41:43 AM

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VS

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

W RONALD WALDROP  
REGISTERED OFFICE  
1025 MONTGOMERY HWY STE 212  
VESTAVIA, AL 35216-2830

Method of Service:

- ☐ Certified Mail  
☐ Shelby County Sheriff  
☐ Commissioner of Insurance (\$)  
☐ Secretary of State (\$)  
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**The Shelby County, Tennessee Circuit Court**

**Case Style:** PATRICIA WILLIAMS VS FREDRICK HOOD

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**Type:** SUMMONS ISSD TO MISC

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Electronically signed on 08/29/2022 09:41:43 AM

(CIRCUIT/CHANCERY) COURT OF TENNESSEE  
140 ADAMS AVENUE, MEMPHIS, TENNESSEE 38103  
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHISELECTRONICALLY FILED  
2022 Oct 04 3:43 PM  
CLERK OF COURT - CIRCUITALIAS **SUMMONS IN CIVIL ACTION**Docket No. CT-3540-22☒ Lawsuit  
☐ Divorce

Ad Damnum \$ \_\_\_\_\_

PATRICIA WILLIAMS

FREDRICK HOOD, and  
CLINE TOURS, INC.

VS

Plaintiff(s)

Defendant(s)

TO: (Name and Address of Defendant (One defendant per summons))

LISA BLACKWELL  
for Cline Tours, Inc.  
1477 Joppa Road  
Walling, TN 38587

Method of Service:

- ☐
- Certified Mail
- 
- ☐
- Shelby County Sheriff
- 
- ☐
- Commissioner of Insurance (\$)
- 
- ☐
- Secretary of State (\$)
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- ☐
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\_\_\_\_\_  
20\_\_

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Sheriff or other authorized person to serve process

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**The Shelby County, Tennessee Circuit Court**

**Case Style:** PATRICIA WILLIAMS VS FREDRICK HOOD

**Case Number:** CT-3540-22

**Type:** SUMMONS ISSD TO MISC

A handwritten signature in black ink, appearing to read "Antwain D. Carter".

Deputy Clerk Antwain D Carter, DC

Electronically signed on 10/05/2022 09:18:13 AM